

REQUEST FOR QUALIFICATIONS

City of Altoona, Pennsylvania

City Solicitor

RFQ – 2020-01

Released under the authority of
Ken Decker, City Manager
City of Altoona
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Altoona, PA 16601
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Schedule
Bid Number RFQ 2020-01

<u>Date</u>	<u>Step</u>
July 20, 2020	Begin Advertising Mail/ Email Notices to potential bidders
July 20, 2020 (and ongoing)	Begin Digital Advertisements
August 21, 2020	Request for Qualifications <u>Due</u> Must be delivered by 10:00 a.m. at City Clerk City of Altoona 1301 12th Street, Suite 100 Altoona, PA 16601
August 26, 2020	Review of Submission Begins
TBD	Selection of Respondents by Council & In-Person Interviews
September 9, 2020 (tentative)	Selection and Appointment

I. OVERVIEW

A municipal Request for Qualifications (RFQ) often begins with information one can find on the City's website or its Wikipedia page and/or marketing language pulled from a local economic development brochure. That is the conventional approach, one rooted in the penchant of local government to "cut-and-paste" documents from one another. The City of Altoona sets the bar a bit higher.

A successful RFQ requires more than providing cookie-cutter information or a list of job responsibilities from the City's Charter. It requires the City to give potential respondents the background information necessary for individual attorneys and/or law firms to evaluate the opportunity and "fit."

The governing body of the City is the Mayor and six Councilmembers. (Further references to "the Council" should be read as including the Mayor.) The Council normally meets on the second Wednesday of the month and holds a work session on the fourth Monday. Council meetings are crisp and efficient, often finished in less than an hour. The work sessions are less structured, an opportunity for the elected officials to discuss important policy issues with staff and the public. The City Solicitor normally attends the two evening meetings each month.

The City is a Home Rule municipality under Pennsylvania law. Under the City's Charter, the Council appoints three "direct reports," the City Clerk, the City Manager, and the City Solicitor. In broad terms, the City Clerk directly supports the Council and manages meeting agendas, legislation, and constituent services. The City Manager supervises day-to-day operations. The City Solicitor provides legal advice to the City and performs routine legal work. A more complete recitation of the Solicitor's responsibilities is outlined below.

The City engages outside legal counsel for certain matters. For labor counsel, pension, and some employment law matters, the City uses Campbell Durrant of Pittsburgh. Eckert Seamans of Harrisburg serves as bond counsel. Wagner & Finn of Altoona serves as counsel to City's workers' compensation fund.

As a body, the Council is thoughtful and pragmatic. Their governing philosophy is fiscally conservative and constituent oriented. The Council is deeply committed to the city and hopeful about its future. Both individually and as a group, the Council strives to maintain positive relationships with stakeholders including regional local governments. This includes avoiding legal conflicts to the extent practicable.

Within City government, the organizational culture is professional and respectful. The relationship between the Council and staff is positive with both sides respecting the others' role. There is a high level of communication and collaboration. The Council respects the Council-Manager form of government and is active in governance and policy making. The staff structure is lean, but effective.

The City is justifiably proud of emerging from Act 47 status faster than any municipality in Pennsylvania history. City leaders also understand the fragility of its finances and the extraordinary budgetary challenges ahead. While words like “poor” and “Rust Belt” may describe the City, they do not define it. The Council and City staff believe the City’s best days are still ahead.

In May, the current City Solicitor recently announced his intent to resign his appointment to seek opportunities within his firm. To secure the services of a new City Solicitor, the Mayor and City Council have authorized the release of this Request for Qualifications (RFQ). Article VII of the Home Rule Charter authorizes the City Council to appoint a City Solicitor. Specifically:

“§ 7.1 The City Council, by a majority vote of its total membership, shall appoint a City Solicitor for an indefinite term and shall fix the Solicitor's compensation. The City Solicitor shall be an official of the City and shall be appointed either on a full-time basis or a part-time basis or on a retainer basis or a combination thereof, where the Solicitor shall serve the City as needed and required. The City Solicitor shall be admitted to practice before the Supreme Court of Pennsylvania and may be one person or a law firm, partnership, association or a similar professional entity.”

The goal of this RFQ process is to identify interested and qualified individuals/firms and for the Council to select one as the City Solicitor.

II. SCOPE OF SERVICES

The Charter defines the role as the “chief legal officer of the City” having the following powers and duties:

(1) The City Solicitor shall furnish legal advice to the City Council, to the Manager, and to all boards and commissions concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties and, except as otherwise expressly provided by the Council, shall supervise, direct and control all of the law work of the City. In the event of legal conflict between City Council and City Council-created boards or commissions, City Council shall provide funds for legal counsel to that board or commission.

(2) The City Solicitor shall, at the direction of Council, collect, or cause to be collected, by suit or otherwise, all debts, taxes and accounts due the City which shall be placed with the City Solicitor for collection by any officer, department, board or commission, and shall represent the City and every officer, department, board or commission in all litigation.

(3) The City Solicitor shall prepare or approve all contracts, bonds and other instruments, in writing, in which the City is concerned, and shall approve all surety bonds required to be given for the protection of the City.

(4) At the direction of the Council, the City Solicitor shall investigate any violation or alleged violation within the City of statutes of the Commonwealth of Pennsylvania or of the United States of America or of ordinances of the City or the County, and shall take such steps and adopt such means as a may be reasonably necessary or appropriate to enforce or cause the enforcement within the City of such statutes and ordinances.

(5) Upon the request of the City Council or of the chairman of any committee of City Council or the City Manager, the City Solicitor shall prepare any ordinance or resolution for presentation before the City Council.

(6) At the direction of the City Council the City Solicitor shall appear for and represent the City, or, if appropriate, the residents of the City as a class, on matters before the various regulatory agencies of other governmental bodies.”

The outgoing City Solicitor will be available to discuss transitional matters with the incoming Solicitor for the foreseeable future. The outgoing Solicitor also may be available to handle minor legal matters as his schedule permits. The City is committed to making the transition process as seamless as possible

III. ENGAGEMENT

Historically, the City Council has appointed an attorney from a local firm to serve as the Solicitor. As noted above, the Council intends to appoint a specific, qualified individual. This individual may be a member of a law firm, a sole practitioner in a law practice, or an attorney seeking full-time work as an employee of the City. The Council is flexible in considering the terms of engagement insofar as those terms fall within the bounds of the City Charter.

The City Solicitor is permitted to delegate work to other attorneys and paralegals within the City Solicitor's firm or if the City Solicitor is not in a firm, to such other Pennsylvania lawyers as City Solicitor selects, on a limited basis and only when he or she reasonably believes those individuals will support his or her performance and enhance its value to the City of Altoona.

If the Respondent is in a firm, the dissolution of that firm will not terminate this engagement; if the Respondent joins a firm, it will promptly agree to the terms of the Engagement Agreement.

IV. SUBMISSION PROCESS

Responses to this RFQ shall be received by the City Clerk or before **August 21, 2020**, at 10 a.m. EST to 1301 12th Street, Suite 100, Altoona, PA 16601.

Submissions should be contained in a sealed enveloped clearly marked “**City Solicitor RFQ.**”

Responses, subject to all specifications and conditions contained in this RFQ, must include all required materials including the Letter of Interest signed by the Respondent and, if the Respondent is a member of a firm, someone authorized to enter into contractual obligations and agreements on behalf of the Respondent's firm.

Proposals received unsigned will be deemed non-responsive and will not be accepted or considered. Submission shall include the original proposal, signed in ink and seven (7) additional photocopies of the submission.

Respondents may deliver their proposals by mail or in person at the above address. Submissions by facsimile or email will not be accepted or considered. The City will not be responsible for submissions lost in the mail or not delivered to the above address and recipient for any reason. Submissions that do not contain all of the materials and documentation, duly executed, may not be accepted or considered. Proposals will be reviewed by the City Council in executive session. This RFQ and all submitted materials may be included in the contractual agreement with the incoming City Solicitor.

Appointment shall occur as provided by the City Charter. Any questions regarding this RFQ should be directed to the City Manager.

V. SUBMISSION CONTENTS

TAB 1 – Letter of Interest (no more than two pages)

The letter of interest should answer three key questions for the Council: Why you? Why the City of Altoona? Why now? The letter should be written in the language the Respondent would normally use in communicating with the Council or staff. The letter should be on letterhead with the name of the Respondent, the name of the Respondent's law firm, if any, mailing address, telephone number, website address, and email address. Further, the letter should be signed and the original clearly noted.

TAB 2 – Professional References (no more than one page)

The Respondent should provide at least three (3) but no more than five (5) references, including reference name, address, telephone number, email address, and a brief description of the services provided by the Respondent.

TAB 3 – Qualifications & Experience (no more than four pages)

The Respondent should provide a brief summary of the Respondent's qualifications and experience, including areas of expertise, accomplishments, previous employers, clients, etc.

This may include:

- A brief resume or curriculum vitae including years of experience, licensure, education, professional affiliations, etc.;
- Relevant prior experience, specifically including work as a city solicitor, general counsel, special counsel, or other legal advisor role for public/governmental agencies or private entities in which the Respondent advised boards or other governing bodies;
- Relevant experience working on or knowledge of open records, open meetings, right-to-know requests and other applicable laws pertaining to municipal governments and other legal issues relevant to this engagement;
- Relevant experience with litigation or other claims regarding officers or directors of public/governmental agencies or private entities;
- A description of the Respondent's law firm (if applicable), and the location of the responsible office);
- A brief description of backup attorney(s) within the Respondent's firm or, if not in a firm, otherwise available to the Respondent who would be available on a limited basis in an absence and other support staff, both professional and administrative, who would provide resources to this engagement.

TAB 4 – Disclosure and Conflicts of Interest (pages as needed)

The Respondent should provide disclosures of actual, potential, and apparent conflicts of interests, if any, including but not limited to identifying each and every matter in which the Respondent or the Respondent's firm (if any) has, within the past calendar year, represented any entity or individual with an interest adverse to the City of Altoona.

The Respondent should also include a statement concerning other potential areas for conflicts of interest that may arise because of the Respondent's work or the work of others in your firm (if any). Conflicts of interest may be waived or consented to only in writing.

This Tab should include a list of all governmental and nonprofit clients the Respondent currently has in Blair County.

TAB 5 – Fees (one page)

The Respondent should provide the hourly billable rate for the City Solicitor and the amount of any retainer. The Respondent should further provide a fee schedule for all attorneys and other personnel anticipated to participate in this engagement. This Tab should include whether the Respondent charges for travel time and, if so, whether the Respondent provides reduced rates for travel time.

The Respondent should define the types and rates for reimbursement of expenses. The Respondent should further identify and describe the types of out-of-pocket expenses or other items the Respondent would seek reimbursement for and the expected annual range for these expenses. For example, describe the rate for mileage, reproduction of documents

or word processing charges, facsimile or telephone charges, and any other matters that would be billed to the City of Altoona.

TAB 6 – Minimum and Maximum Hours

The City's budget for the City Solicitor in 2020 is \$85,000. Expenses for outside counsel are a separate budget line item. The work of the City Solicitor ebbs and flows depending on factors outside the City's control. The City understands that there is a certain minimum amount of work a Respondent may need to justify to the engagement. There also is a maximum amount of work a Respondent may have the capacity to provide. The Respondent should state the minimum and maximum number of hours per year the Respondent could dedicate to filling the role of City Solicitor. If the Respondent is interested in becoming an employee of the City, the Respondent should provide a minimum annual salary expectation. The Respondent also should provide an estimated response and turnaround time for routine legal requests.

VI. Post-Submission Process.

After the deadline, the Council will review submissions and select those individuals they wish to interview. The City anticipates the Council will conduct at least one round of in-person interviews. Upon the conclusion of the interview process, the Council will select its preferred candidate based on the Council's determination of the Respondent's ability to serve successfully as the City Solicitor and the proposed costs and fee schedules. Upon selection of a preferred appointee, the Council may engage in negotiations to clarify the precise terms of engagement and any other terms and conditions.

VII. General Conditions

All documents/information submitted in response to this solicitation shall be a matter of public record. The City will not be responsible for any costs associated with the oral or written and/or presentation of the submission. The City reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The City further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all persons and/or firms providing submissions. The City reserves the right to resolicit proposals. The City is not obligated to accept the lowest priced response. The appointment of the City Solicitor shall be made by the Mayor and Council in their sole and exclusive discretion.